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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Basil Shorosh et al.  
Serial No. : 09/839,477  
Filed : April 20, 2001  
Title : PLANTS CONTAINING A CYTOSOLIC ACETYL COA-CARBOXYLASE  
NUCLEIC ACID

Art Unit : 1638  
Examiner : E. McElwain

Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE

In response to the Office Action mailed September 24, 2002, please amend the application as follows:

In the Claims:

Please cancel claims 13-16, 18, 24-30, and 36-39 without prejudice to continued prosecution.

Please replace claims 2, 17, 33, and 34 with amended claims 2, 17, 33, and 34 shown below. For convenience, a complete set of pending claims is shown below.

1. A plant containing a recombinant nucleic acid construct comprising a nucleic acid encoding a cytosolic ACCase operably linked to a promoter, wherein said construct lacks a nucleic acid encoding a transit peptide operably linked to said nucleic acid encoding said cytosolic ACCase, wherein said plant produces seeds that exhibit a statistically significant increase in oil content as compared to seeds produced by a corresponding plant lacking said nucleic acid construct.

a1 --2. (Amended) The plant of claim 1, wherein said increase in oil content is from about 5% to about 25% on a dry weight basis.--

3. The plant of claim 1, wherein said nucleic acid encodes a plant cytosolic ACCase.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 24, 2003

Date of Deposit

Jill Huso

Signature

Jill Huso

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